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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

DONNA BROWER,

Plaintiff,

v.

MCDONALD'S CORPORATION, a Foreign  
Corporation licensed to do business in Nevada,

Defendant.

Case No.: 2:19-cv-02099-GMN-BNW

**THIRD REQUEST TO EXTEND  
DISCOVERY AND PRETRIAL  
DEADLINES**

**(Third Request)**

Pursuant to Federal Rules of Civil Procedure 6 and 16(b)(4) as well as LR IA 6-1, LR IA 6-2, LR 7-1, and LR 26-4, Defendant McDonald's Corporation ("Defendant" or "McDonald's") and Plaintiff Donna Brower ("Plaintiff" or "Brower"), by and through their respective attorneys, hereby stipulate and agree to extend the discovery cutoff and other pretrial deadlines by one hundred twenty (120) days due to

1 the extended illness and subsequent death of Plaintiff's minor daughter and due to the schedule of counsel  
2 over the next few months. This is the parties' third stipulation to extend discovery and other pretrial  
3 deadlines and is filed not later than twenty-one days before the discovery cutoff.

4 The parties have engaged in extensive written discovery, agreed to a protective order and are in  
5 the process of resuming litigation and scheduling depositions. Previously, the parties requested to extend  
6 the discovery cutoff and other pretrial deadlines by one hundred eighty (180) days due to a medical  
7 emergency involving Plaintiff's minor daughter. Unfortunately, after an extensive battle with cancer  
8 Plaintiff's minor daughter passed away, understandably requiring Plaintiff to take time to grieve before  
9 resuming the litigation. Additionally, Defendant's counsel will be involved in trials and depositions that  
10 have already been set during the months of January and February 2021. To ensure the parties have  
11 sufficient time to complete discovery, permit sufficient time for the preparation and filing of dispositive  
12 motions, and allow the Court sufficient time to review and rule on any dispositive motion submitted before  
13 trial—and for good cause shown—the parties hereby stipulate and respectfully request the Court to extend  
14 the remaining discovery and pretrial deadlines as detailed below.

15 In accordance with LR 26-4(a)-(d), the parties provide the following information in support of this  
16 stipulation to extend discovery and other pretrial deadlines:

17 **(a) Discovery Completed**

18 The parties have served their initial disclosures. Defendant previously served its first set of written  
19 discovery to which Plaintiff has responded. Plaintiff has also served three supplemental disclosures and  
20 information. Plaintiff served her first set of interrogatories, as well as her first, second and third requests  
21 for production. Defendant has provided responses to Plaintiff's first and second sets of written discovery,  
22 and Defendant's responses to Plaintiff's third requests for production are currently pending.

23 **(b) Discovery That Remains To Be Completed**

24 In addition to the prospect of additional written discovery, the parties have identified individuals  
25 whom they plan to depose, and the parties are working together to determine available deposition dates.  
26 It is still premature at this stage of the litigation for the parties to determine the necessity of any expert  
27 witnesses.  
28

**(c) Reasons Why The Deadline Was Not Satisfied Or The Remaining Discovery Was Not Completed Within The Time Limits Set By The Discovery Plan**

In addition to the various Court Orders related to the COVID-19 Pandemic, which are still in place or have been renewed or extended, Plaintiff's daughter passed away, requiring Plaintiff to take time to grieve and attend to personal matters before resuming the litigation. Additionally, Defendant's counsel will be involved in trials and depositions that have already been set during the months of January and February 2021.

Federal Rule of Civil Procedure 6(b)(1) governs extension of time and provides that "the court may, for good cause, extend the time... if a request is made, before the original time or its extension expires." The parties hereby stipulate and agree to continue or extend the discovery and pretrial deadlines for one hundred twenty (120) days in light of Plaintiff's daughter's passing and defense counsel's upcoming litigation schedule.

**(d) Proposed Schedule For Completing All Remaining Discovery**

In accordance with LR 26-4(d), the parties propose the following schedule for completing all remaining discovery:

1. Discovery Cut-Off Date: Tuesday, **June 29, 2021**.

2. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts): In accordance with Federal Rule of Civil Procedure 26(a)(2), initial disclosures identifying experts shall be made sixty (60) days prior to the discovery cut-off date, and therefore, not later than Friday, **April 30, 2021**, and disclosures identifying rebuttal experts shall be made thirty (30) days after the initial disclosure of experts and, therefore, not later than Tuesday, **June 1, 2021**, since the thirtieth day falls on a Saturday and the thirty-first day falls on Memorial Day.

3. Interim Status Report: In accordance with LR 26-3, an Interim Status Report will be filed by the parties with the Court sixty (60) days prior to the discovery cut-off date, and therefore, not later than, Friday, **April 30, 2021**.

4. Dispositive Motion deadline: The parties shall file dispositive motions not more than thirty days after the discovery cutoff date and, therefore, not later than Thursday, **July 29, 2021**.

1           5.     Joint Pretrial Order: If no dispositive motions are filed, and unless otherwise ordered by  
2 this Court, the joint pretrial order shall be filed not more than thirty days after the date set for filing  
3 dispositive motions and, therefore, not later than Monday, **August 30, 2021**. If a dispositive motion is  
4 filed, the date for filing the joint pretrial order shall be suspended until thirty days after an order on the  
5 dispositive motions or until further order of the Court.

6           6.     Subsequent Requests to Extend the Discovery Cut-Off Date: In accordance with LR 26-4,  
7 a stipulation or motion for modification or extension of a discovery plan and scheduling order “must be  
8 received by the court no later than 21 days before the expiration of the subject deadline.” *Id.* Therefore,  
9 any subsequent request to extend the discovery cut-off date must be filed not later than Tuesday, **June 8,**  
10 **2021**, which is twenty-one days prior to the June 29, 2021 discovery cut-off date requested herein.

11           7.     Any deadline not extended pursuant to this Stipulation and Order shall remain controlled  
12 by the Joint Discovery Plan and Scheduling Order, ECF No. 27.

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1 For the reasons set forth above, the parties stipulate and agree to extend the discovery cutoff and  
2 the other pretrial deadlines as detailed herein for one hundred twenty (120) days, and neither party will be  
3 prejudiced by the extension of the deadlines above.

4 Dated: December 23, 2020

Dated: December 23, 2020

5 Respectfully submitted,

Respectfully submitted,

6 /s/ Mary F. Chapman

/s/ Alison L. Macneill

7 MARY F. CHAPMAN, ESQ.

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16 ORDER

17 IT IS SO ORDERED

18 DATED: 12:35 pm, December 29, 2020

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21 BREND A WEKSLER

22 UNITED STATES MAGISTRATE JUDGE  
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